

Wilmot Ohio
Nov 16 2002

Dear Mr Holt

I support the State of Ohio
denial of basal consistency
of the Barnes Nursery project
dike channel dug Sheldon
marsh wetland complex
July of 2000 and I urge you to
do the same. The value to the public
of this natural area greater
than the economic benefit to a
private commercial interest

Sincerely
Jerry Felland

November 23, 2003

Dear NOAA,

I would like to comment on the Barnes Nursery project (dike and channel) dug in Sheldon Marsh wetland complex in July of 2000. I cannot believe that this has been allowed to drag on this long. I am a naturalist with the State of Ohio, so I speak from that viewpoint, but more so as a concerned citizen of the area.

Barnes Nursery has not been consistent with the objectives of the Coastal Zone Management Act. This project in no way furthers the national interest, as the rights and due process of the law were denied to the people of Ohio. There was no public information period or notification of adjoining property owners. The original erroneous Army Corps of Engineers permit was applied for one day and granted the next! There is only one obvious reason why they were in such a rush----because they knew there would be plenty of public outcry!

This channel and dike adversely affects the coastal waters and alters the natural function of Sheldon Marsh. This project invites invasive species, slows the water flow to the wetlands, and will negatively affect the wildlife populations as well.

I repeat, this has gone on far too long, is a waste of time and money, and does not in any way shape or form further the national interest. I strongly support the State of Ohio's denial of Coastal Consistency of the Barnes Nursery project.

**PLEASE RESTORE SHELDON MARSH TO ITS ORIGINAL, PRE-CONSTRUCTION
CONDITION BEFORE ANOTHER GROWING SEASON COMES ALONG !!!!!!!!!**

Thank you for allowing this comment period and giving all comments fair consideration in your decision.

Sincerely,



Mary L. Warren

310 Fremont Ave

Sandusky, OH 44870

November 15, 2002

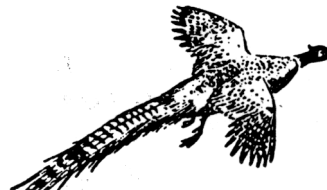
Jim Barnhill
200 East Pearl Street
Findlay, OH 45840-2698
(419) 423-7086

Molly Holt:
U.S. Dept. of Commerce

The draining of public waters
from Sheldon Marsh for the benefit
of a private enterprise (Barnes Nursery)
is just not sound common sense or
fair play.

Please do what you can to
reverse this illegal project!!

Jim Barnhill



2101 Scenic Hwy. #203D
Pensacola, FL 32503

Molly Holt
U.S. Dept. of Commerce
1305 East-West Highway, Room 61
Silver Spring, MD 20910

Dear Molly Holt:

I am writing to support the state of Ohio's denial of Coastal Consistency of the Barnes Nursery project dug in Sheldon Marsh wetland complex in July of 2000. I feel strongly that the rights and due process of the law were denied to the people of Ohio. The dike and channel project Barnes Nursery illegally began in 2000 has caused and will continue to cause many adverse coastal effects. The fact that this project has already disrupted this rare Category III wetlands for 3 growing seasons is unacceptable. It is illegal and not authorized and would never have been approved if the proper agencies had been consulted. Environmental degradation is apparent and will only worsen if not restored to its original state.

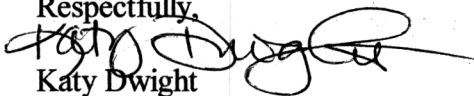
Alternatives do exist to allow Barnes Nursery the water they insist is the purpose of their project. The source of water (the marsh) which Barnes has chosen needs to be re-evaluated considering the fluctuating lake levels and the expanding size of their business. Ponds existed on the property in the 1960's that could be rebuilt without being inconsistent with the coastal management plan. The purchase of county water in combination with other alternatives should also be thoroughly investigated. Every possible alternative should have been considered and utilized, by Barnes Nursery, to resolve the water supply problem before choosing a method that has impacted the Sheldon Marsh wetlands so severely.

What a rare gift we have been given in Sheldon Marsh. A gift that we enjoy but that will be destroyed forever for any future generations if we do not protect it now. The natural beauty and enjoyment it brings is not something to be taken for granted. In fact, it is more than just an amazingly beautiful place but has numerous practical uses. The disruption of the natural water filtration activity of the marsh, necessary to purify our lake drinking water source is a great concern due to the negative impact Barnes Nursery project has had.

I am asking you to support the state of Ohio's denial of Coastal Consistency of the Barnes Nursery Project dug in Sheldon Marsh wetland. This bad project in the wrong place cannot be justified, rationalized, negotiated, or authorized. It is inconsistent with our management plans, State, and Federal. Restoration to the original condition of Sheldon Marsh wetlands complex is the only option to bring this area into consistency with Ohio's coastal management plan. Thank you for your time and consideration.

Respectfully,

Katy Dwight



November 15, 2002

Molly Holt
U.S. Department of Commerce (NOAA)
1305 East-West Highway
Room 6111
Silver Spring, MD 20910

Dear Ms. Holt,

I would like to comment to NOAA in support of the State of Ohio denial of Coastal Consistency of the Barnes Nursery project (dike and channel) dug in Sheldon Marsh wetland complex in July of 2000.

The Barnes Nursery Project is not consistent with the objectives or purposes of the Coastal Zone Management Act.

1. There is no way Barnes Nursery Project furthers the national interest in a significant way. It seriously threatens Sheldon Marsh which is a category III wetlands.
2. There is no way that the Barnes Nursery Project furthers any national interest. It will and already has had adverse effects on Sheldon Marsh.
3. There are other ways Barnes Nursery can get more water without destroying this outstanding category III wetlands.

Barnes Nursery did not notify any adjoining property owners about this project, including the Citizens of Ohio, who own Sheldon Marsh State Nature Preserve, which is adjacent to this illegal project.

Barnes held no public information sessions about the oversized dike and channel they built in a rare category III wetlands containing a state nature preserve.

Barnes constructed the north-south channel on Barnes property in advance of getting permits from the Army Corps of Engineers or any other state agency.

The artificial dike of dirt and deep water channel created a double wall, which has already altered the natural function of the previously free flowing marsh ecosystem. The hydrology has been altered.

This is an illegal project that, if left in place, will set a precedent undermining all wetlands and coastal laws in the country.

Environmental degradation is already apparent in Sheldon Marsh Nature Preserve.

Barnes Nursery already has existing ponds for water. Deeper wells could be dug if necessary. Purchase of county water has not even been thoroughly investigated.

Barnes cannot be allowed to keep this illegal dike and channel in place of a top quality wetlands. Restoration to the original condition of Sheldon Marsh wetlands complex is the only option to bring this area into consistency with Ohio's coastal management plan.

Sincerely,

Kenneth J. Reed

Kenneth J. Reed
42750 Smith Rd.
Wellington, OH 44090

223 E. Tulane Rd.
Columbus, OH 43202
25 November 2002

Molly Holt
NOAA, U.S. Dep't of Commerce
1305 East-West Highway, Room 6111
Silver Springs, MD 20910

Dear Molly Holt:

Thank you for offering the opportunity to comment on an appeal by the Barnes Nursery of Erie County, Ohio of denial of compliance by the Ohio Department of Natural Resources with the Ohio Coastal Management Program, as well as their appeal of the Ohio Environmental Protection Agency's denial of a 401 Water Quality Permit.

I hope I've correctly described the various appeals proceeding through your jurisdiction, as I am far from expert in these matters. The issue has become complex beyond the ability of the average citizen—however interested in the outcome—to understand, and I regret this will increasingly reduce public comment to professionals representing the interested parties.

I do not argue against Barnes's rights to exhaust his administrative remedies and legal appeals in support of his alteration and imperilment of a Category III wetland adjacent to his business property. I do find it difficult to understand why he has been allowed, throughout this protracted appeal process, to benefit from the contested dike and channel—demonstrably illegally constructed—without restoring it to its unaltered state. To make a comparison,—perhaps inappropriate, as I have no legal training—to the average observer it looks like allowing an embezzler to invest ill-gotten gains during trial, sentencing, and ensuing appeals.

I have every expectation that your office will agree with the USF&WS, the ODNR, the USEPA, OEPA and other agencies in denying the Barnes appeal. Arising from an illegal action, protean in its attempts to justify self-interest in ever-changing guises, and repeatedly rejected by governing agencies, this appeal nevertheless seems likely to proceed to the bitter end. This is Barnes's legitimate right, but the length of time it's taken thus far, and the time during which it seems likely to persist, make the associated damage to Sheldon Marsh all the more certain and extensive in the meantime.

This marsh, a dedicated State Nature Preserve, is one of a very few Lake Erie shoreline locales still dependent on natural Lake water-level fluctuations, and is thus a haven for wildlife that have always relied on such conditions. I can attest to this as editor of *The Ohio Cardinal*, the state ornithological journal chronicling the occurrences of avian life in the state, and a frequent visitor to the site. It is unacceptable to allow its exploitation for commercial gain by a corporation with other options for water supplies. It is inexplicable that documented damage—hydrological alterations, increases in invasive non-native species, etc. (Barnes has even recently repeatedly allowed waterfowl hunters onto his property to place decoys in the neighboring Nature Preserve)-- to the Marsh's

ecosystem should have been allowed to continue throughout the wrangling involved in stopping that damage. I of course urge and expect you to reject the Barnes appeals in your jurisdiction as clearly not in the national interest, but importantly—since further appeals, consuming still more precious time are seemingly going to be undertaken—also to order the immediate restoration of the site.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Bill Whan", with a long horizontal flourish extending to the right.

Bill Whan

Marion Olson
9278 Liberty Rd.
P. O. Box 615
Twinsburg, OH. 44087

November 14, 2002

Ms Molly Holt
U. S. Department of Commerce (NOAA)
1305 East-West Highway, Room 6111
Silver Springs, MD, 20910

Dear Molly Holt

I write to support the State of Ohio's denial of Coastal Consistency of the Barnes Nursery project a dike and channel dug in Sheldon Marsh wetland complex in July of 2000.

This artificial dike and channel dug illegally to provide Barnes Nursery with water has many adverse coastal effects on a class III wetland. It alters the natural function of the marsh ecosystem which previously was free flowing. The project is not authorized, it is illegal and it would never have been allowed if the proper agencies had been consulted. Instead they were circumvented in the beginning planning stages.

Now environmental degradation is apparent—there is sedimentation, turbidity, pollution from run off of the Nursery's activities, and loss of aquatic habitat. Invasive species have appeared and once they arrive they can be impossible to remove.

Depletion of water to the rest of the wetland complex in low lake level times has occurred, and will cause increased impacts if the dike and channel remain for a fourth growing season. This is a travesty against a formerly pristine wetland. It needs to be corrected sooner than soon. Delays are causing what is probably irreversible damage.

Please hold up the denial and work quickly!!

Sincerely,

Marion Olson

Marion Olson

Jayne A. Broestl, Ph.D.
30608 Mallard Cove
Westlake, OH 44145-6300
November 16, 2002

Molly Holt, Attorney-Adviser NOAA
Office of the Asst. General Counsel for Ocean Svcs
1305 East-West Highway, Room 6111
Silver Springs, MD 20910

Dear Ms. Holt

I would like to comment on the Barnes Nursery Project and its detrimental effects on the Sheldon Marsh Wetlands, along the Lake Erie Shoreline, in the State of Ohio.

The rights and due process of the law were denied to the people of Ohio when Barnes Nursery did not notify any adjoining property owners of its actions. [Sheldon Marsh State Nature Preserve, which is adjacent to this illegal project is owned by the citizens of the State of Ohio]. If Barnes had held public information sessions, they would have brought to light the lack of coastal consistency that an oversized dike and channel would have on the rare CATEGORY III WETLANDS, within the State Nature Preserve. Moreover, Barnes circumvented the required authorizing State agencies, comments, and permits specifically required on the original Army Corps of Engineers [ACE] permit.

This illegal project has and will contribute to many adverse coastal effects. In the short time that the artificial earthen dike and deep water channel have been present, there has been environmental degradation evidenced by a loss of aquatic habitat, destruction of vegetation and the introduction of invasive species. Also, the diked water storage facility appears to be depleting water from the rest of the marsh area, acting like a sump. Approximately 41% of the estimated water in East Sandusky Bay is contained in the Barnes storage facility!! Over the long term, this project will permanently convert mudflat habitats to other use, thereby threatening both Federal and State endangered species' foraging sites. Furthermore, if the dike and channel are left in place, we can expect to see a disruption of the natural water filtration activity and a decrease in water quality.

Other alternatives, consistent with the Coastal Zone Management Act, do exist. Barnes previously used the free flowing water without the dike and channel in years that Lake Erie's water level was average. Ponds that existed on the property in the 1960's could be rebuilt and/or deeper wells could be dug. Perhaps, the relocation to the Barnes property on Catawba of the few acres of potted plants, which require 350,000-600,000 gallons of water daily, would satisfy all concerned.

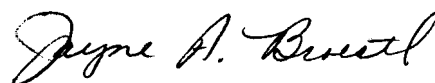
The wetlands of Sheldon Marsh Nature Preserve are of high quality [Category III], extremely rare in Ohio. Barnes Nursery's construction of a water storage facility [channel] to supply irrigation water to their nursery does not constitute "public need". No new economic gains, jobs or tax revenues are anticipated.

All the agencies, ODNR, U.S. Fish and Wildlife, Federal EPA, Ohio Coastal Zone Consistency, and Ohio EPA have denied or proposed denial of the after-the-fact Individual Permit for the Barnes Nursery Project granted provisionally by the Army Corps of Engineers, in December 2001. These denials invalidate the provisional permit.

Now, NOAA must act in the public's and Nation's best interest and uphold these decisions. It is in the Nation's best interest to preserve quality wetlands which provide a habitat for vegetation, aquatic life, and serve to purify our drinking water. Restoration to the original condition of Sheldon Marsh wetlands complex is the only option to bring this area into consistency with Ohio's coastal management plan.

Please use your authority to make certain that Ohio's Laws are upheld.

Sincerely,

A handwritten signature in cursive script, reading "Jayne A. Broestl".

Jayne A. Broestl, Ph.D.

Just A Note

Barnes Nursery did not notify any adjoining property owners and held no public information sessions that would have brought to light the lack of coastal consistency before the oversized dike and channel were built in a rare category III wetlands containing a state nature preserve.

Also I'd like to point out that the original erroneous ACE permit was applied for one day and granted the next - allowing no time for scrutiny.

I hold the state and federal agencies accountable to enforce and regulate the laws. Please do your job and help me restore Sheldon Marsh to its original pre-construction condition, as soon as possible.

Thank you - Arlene Homel



(over)

Just A Note

Nov. 14, 2002

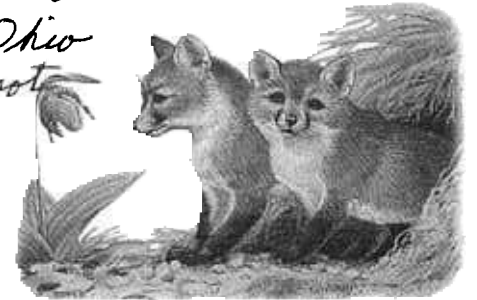
To Molly Holt

I am writing to express my support of the State of Ohio's denial of Coastal Consistency of the Barnes Nursery project dug in Sheldon Marsh wetland.

As a proud, nature-loving citizen of Ohio, I own Sheldon Marsh State Nature Preserve and have enjoyed the variety of wildlife there. The Barnes Nursery project has an adverse effect on this rare natural area which I own!

The rights and due process of the law were denied to the people of Ohio which does not further the national interest.


(over)



Just A Note

P.S. As educator it is my duty to instill in our young people a sense of stewardship in caring for our precious earth. As we celebrate "Earth Day" each year, I read to them the story "The Lorax" by Dr. Seuss. I suggest that you take time to read it also and apply the theme of getting smart and in-time with nature before it is too late.





Faye L. Stahl
5267 Portage Drive
Vermilion, OH 44089

Molly Holt, Attorney-Adviser NOAA
Office of the Asst Genl Counsel for Ocean Svcs
1305 East-West Highway, Room 6111
Silver Springs, MD 20910

Dear Madam:

I write to you today to again voice my concerns for the fragility of the Sheldon Marsh Wetlands located on the north shore of Lake Erie west of Huron, Ohio.

My husband and I frequent this area for exercise and to enjoy our hobby of bird watching.

Barnes Nursery constructed an illegal dike/deepwater channel in July of 2000. In effect, it creates a double wall which alters the natural function of this free flowing and pristine marsh ecosystem. The project is illegal in this area; it is not authorized and it is non-compliant. If left in place, this dike/channel would set a precedent undermining all wetland and coastal laws in the country.

There are alternative ways that Barnes can obtain the water they need for their nursery plants.

I urge you to deny this permit, request restoration of the Sheldon Marsh Wildlife Complex to its former state and enforce compliance with Ohio's coastal management plan.

Sincerely yours,



November 8, 2002

Molly Holt, Atty-Advisor

Office of the Asst. Gen. Counsel for Ocean Services
N. O. & A. Administration
U. S. Dept. of Commerce
1305 East-West Highway
Room 6111
Silver Spring, MD 20910

Re: Appeal of Barnes Nursery, Inc. (July 10, 2001)

I have lived in and around Huron, OH since 1962 serving on the Huron Joint Port Authority for many years. My wife and I have traveled over 6000 miles with our personal cruiser throughout the Great Lakes visiting over a hundred ports of call. Besides, I am an avid fisherman. We believe in the preservation of our wetlands. They protect nature (fish, animals and birds) for future generations. The wetlands also give us a feeling of tranquility and isolation.

Barnes Nursery, Inc. has been in business for over 50 years occupying the same location. They now employ 200 people who live in the general area. They serve over 12 counties in landscaping and maintaining green space. They are the second largest employer in Huron, OH. They have won several awards for their accomplishments in landscaping designs. They employ certified college graduates to design and supervise the proper use and placement of shrubs, plants and trees for both commercial and residential uses.

However, as time goes by, the need to expand is necessary. Today, the demands for new landscaping designs force them to purchase land for expanded varieties of trees and shrubs. Their inventory has expanded as the demand dictates. This scenario is no different than any other successful business.

As their business grows, the need for water increases significantly. Their options are limited. The cost for treated water (county system) is prohibitive. They must find a way to increase water supply that is cost effective. Several ways have been researched. The State of Ohio did not allow them to pump water directly from the lake. It was found that the drilling of wells produced water with a very high content of sulfur. The water could not be used in the irrigation of plants, flowers and trees.

They worked with the Corp of Engineers, ODNR and the E.P.A. in solving their problem. They spent hours filling out the necessary applications and answering the questions concerning the building of a canal on their own property. The

Corps communicated with both O.D.N. R. and the Ohio E.P.A. concerning the proposed plan of action. No response was ever received. Finally, they issued a permit allowing the canal to be built. In good faith, Barnes Nursery, Inc. proceeded to build it.

I am not asking any governmental agency to step outside of their legal limitations of Federal or State laws. However, I have information that this scenario has progressed into a personal issue. The O.D.N.R. and the O. E.P.A. screwed up by not responding prior to the issuance of the permit in a timely manner. Then, when several people who live around the area became aware of the project, many crazy ideas that a possible marina and condominium development could emerge from this project. The environmentalists objected with all their abilities to place pressure on the State of Ohio. I believe that some people in the various State of Ohio departments are scared for their jobs. To save face, they have forced Barnes Nursery, Inc. into a very expensive appeals process.

Ohio has been losing businesses every year. Tax income keeps eroding as the work force diminishes. Economic Development people are continually trying to find ways to keep businesses, and to bring new business into Ohio.

I have tried to analyze all the arguments against this project. However, I am unable to locate **any** facts based on substantial evidence of how this canal will affect the wetlands near Sheldon's Marsh. All they say is "could" and "might" in their arguments. How can we convict anyone of wrongdoing under these circumstances? Perhaps, the canal will not, in any way, affect the wetlands any more than the wave action and water levels of Lake Erie has done over the years.

It would be better to monitor the canal for a period of ten to twenty years. If a change appears in the wetlands with substantial evidence pointing toward the canal, then I would totally support the destruction of it. And, I believe Barnes Nursery, Inc. would be willing to research an alternative method of obtaining water.

Additional observations:

In 1999, I walked the marsh area. The Lake Erie levels were low. I did not find one turtle, muskrat, water bird, snake or fish. It was a mud flat with very little water. In the 1980's, this marsh had 3 feet of water in it at times.

Just west of Sandusky, OH on old route 6 is a large wetland area. Crossing the railroad track to the Northeast is a new dumping ground. It has asphalt, cement, stone, etc being placed in the wetlands. How could a permit be issued for this dumping site?

In Ottawa County, O.D.N.R. dug several canals on the West Side of Port Clinton for the purpose of providing more fishing spots and providing water to the wetlands. This alteration has not had an adverse affect on the wetlands and its occupants. The canal that Barnes Nursery, Inc. as constructed is not a drastic change in the flow of water as the Ottawa County project.

The E.P.A. has told me that housing developments should never be approved adjacent to Sheldon's Marsh. It is a very sensitive wetland. However, there is a large housing development between the marsh and Barnes Nursery, Inc. Several homes are to be constructed in the near future. This is **not** consistent with your preservation of wetland rules. How did O. D. N. R. approve this housing development? Barnes Nursery, Inc. is located one-half mile to the west of the marsh shown on the photographs that I have included.

I have included with my letter several aerial photographs of the canal taken from different directions. You will see that the flow of water has not been altered. The canal is not in the middle of the wetlands. It will not cause the wetlands to dry up. Trees and plants will appear on it in time, hiding it. Also, animals and birds may use it for shelter and breeding.

In closing, I am of the opinion that we need to have a balance between business and the environment. Barnes Nursery, Inc. gave this project a lot of thought. They asked the Corps, ODNR and the EPA for leadership. Hearing no objections to the proposed plan, Barnes received a permit in good faith. If there is anyone to blame, it is the governmental agencies that initially approved it. I would be afraid to try to obtain a permit, under any circumstance, knowing that at a later date, I would be chastised publicly causing me thousands of dollars in litigation. This 'after the fact' change erodes the very reason we have laws and rules (permits). Both sides must be held accountable for their action, or their inaction. Let the parties monitor the canal for a period of years, obtaining some facts before making any concrete decision.

Sincerely Yours;

A handwritten signature in black ink, appearing to read "Jim Fisher", with a stylized flourish at the end.

Jim Fisher
821 Crosstree Lane
Sandusky, OH 44870

November 22

De Mrs H. T.

It is with concern I write
to protest the draining of Sheldon
Marsh. It is my understanding
this is illegal and will affect
Ohio Citizens State Nature Preserve.

We were to protest our
secret land use and ask
that y help — anyway
you can

Thank you
John Andrews
2777 Kellybrooke Ct
Tolok Ohio 45324